IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 8234 of 2004(E)

PETITIONER:

K.J. JAMES, HIGH SCHOOL ASSISTANT,
GOVERNMENT HIGHER SECONDARY SCHOOL,
PADINHARATHARA, WAYANAD DISTRICT.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SMT.RESMI G. NAIR

RESPONDENTS:
----

1. STAT OF KERALA, REPRSENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION, DIRECTORATE OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.

3. DEPARTMENTAL PROMOTION COMMITTEE (LOWER) FOR GENERAL EDUCATION DEPARTMENT, REPRESENTED BY ITS CONVENOR, THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. SANTHOSH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 8234/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 8/1/2003 OF THE DIRECTOR OF PUBLIC INSTRUCTION.

EXT.P1A. COPY OF THE RELEVANT EXTRACT OF THE APPENDED FINAL SENIORITY LIST OF HIGH SCHOOL ASSISTANTS FROM 1/1/78 TO 31/12/78.

EXT.P2. COPY OF THE RELEVANT EXTRACT OF THE ORDER DT. 29/5/2003 BY THE DPI.

EXT.P3. COPY OF THE REPRESENTATION BY THE PETITIONER BEFORE THE RESPONDENT DT. 11/6/2003.

EXT.P4. COPY OF THE JUDGMENT OF THIS COURT IN WPC NO. 21800/2003.

EXT.P5. COPY OF THE REPRESENTATION BY THE PETITIONER BEFORE THE DPI, DT. 7/9/03.

EXT.P6. COPY OF THE ORDER DT. 27/10/2003 OF THE DPI.

EXT.P7. COPY OF THE GOVT. CIRCULAR NO. 5328/RULES 1/99/P&ARD DT. 3/6/99.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 8234 OF 2004

Dated this the 22nd day of June, 2007.

J U D G M E N T

The surviving grievance of the petitioner in this writ petition is with regard to the retrospective promotion with effect from the date on which his juniors were promoted. In view of the fact that the petitioner has already retired from service and none of his juniors are on the party array, it is for the petitioner to approach the first respondent, in which case, the matter will be duly examined by the first respondent and appropriate action, in accordance with law, will be taken within another four months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp